

REPORT ON CERTIFICATION THAT THE TRANSPORTATION PLANNING PROCESS COMPLIES WITH APPLICABLE FEDERAL LAWS AND REGULATIONS

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Technical Committee and Officials Committee

BACKGROUND

The *Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU) became law on August 10, 2005 and is the most recent authorization for surface transportation investment in the United States for the 6-year period from 2004-2009. This builds on the two previous national transportation bills, the *Intermodal Surface Transportation Efficiency Act of 1991* (ISTEA) and the *Transportation Equity Act for the 21st Century* (TEA-21) and continues the requirement to annually certify to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) that the planning process is addressing the major issues facing the metropolitan area and that this is being carried out in conformance with applicable federal Urban Transportation Planning laws and regulations. The U.S. Department of Transportation has provided guidance in published rules for the planning and environmental provisions in a final notice of rulemaking on the statewide and metropolitan transportation planning and programming process of the Code of Federal Regulations [Federal Register / Vol. 72, No. 30 / February 14, 2007 / Final Rule].

COMPLIANCE EVALUATION

The following are the applicable federal laws and regulations, as contained in the Federal Register / Vol. 72, No. 30 / February 14, 2007 / Final Rule, Section 450.334(a) *Self-Certifications and Federal Certifications*, for which the transportation planning process is to comply. FHWA and FTA has oversight responsibilities on the planning process and determines, through appropriate and independent reviews, that the planning process conforms to applicable federal laws and regulations prior to approval of federal aid FHWA and FTA – highway, transit, and other transportation projects.

(1) Section 134 of title 23 USC and Section 5303 of title 49 USC - requires a continuing, cooperative, and comprehensive transportation planning process and consideration of all modes of transportation.

Continuing - In order to provide sound bases for decisions regarding transportation-related plans, continuing monitoring and surveillance programs are carried out. Data collection and analysis includes population, socio-economic data, dwelling units, land uses, traffic and transportation system data, transit ridership and transit-related measures, parking, air quality, airline passengers and operations, vehicle and bicycle accident data, and system volume/capacity information. These data are documented and presented in other technical reports. A comprehensive review of the long-range transportation plan is conducted in conjunction with the Comprehensive Plan amendment and modification process.

Cooperative - Agreements for conducting the transportation planning process are contained in the Memorandum of Understanding between the City of Lincoln, Lancaster County, the City-County Planning Commission, and the State of Nebraska Department of Roads in cooperation with FHWA and FTA, as executed by all parties in 1977. The local public transit operation, StarTran, is a division of the City of Lincoln Public Works and Utilities Department. City, county, state, and federal representatives are included as members of the MPO Technical and Officials Committees.

Comprehensive - The transportation planning and implementation process, is generally described in the *Lincoln City-Lancaster County Comprehensive Plan*, and the public participation process is identified in the *Public Participation Plan*. The details are outlined in the Lincoln MPO Prospectus, in conjunction with the *Unified Planning Work Program*, which recognizes the interrelationships between transportation, land use, social, economic, and environmental factors. The objective is the development of transportation systems compatible with the overall development goals of the Lincoln urban area and adjacent areas expected to be urbanization within the planning period.

As part of the Comprehensive Planning efforts for the Metropolitan Area, a future land use plan was developed for use in analyzing the relationship of the future directions of urban area growth to the community's continuing planning efforts. The adopted land uses identified in the *Comprehensive Plan* are used as the future land uses for on-going planning purposes and the base land uses for the long range transportation planning effort.

The *Transportation Plan* (LRTP) for the Lincoln MPO is contained in the *Lincoln and Lancaster County Comprehensive Plan*. Included in the LRTP are specific long-range plans for the Lincoln Area Pedestrian, Bicycle and Trails Facilities; Future Urban Street and Road Network Plans which include the Functional Street and Road Classifications, Urban Area Street Improvements, and County Road Improvements; a Goods and Freight Movement Plan; and generalized plans for Public Transportation, Railroads, and Airports and Airfields. The Plan also contains an Intelligent Transportation Systems element and a Transportation Systems Management Strategy.

(1) The Federal Transit Act (Section 5303 of title 49 USC) requires nondiscrimination on the basis of handicap in programs and activities receiving or benefitting from Federal financial assistance and participation by minority business enterprise in transportation programs.

StarTran, the public transportation provider in Lincoln, is a division of the City of Lincoln Public Works and Utilities. A number of semi-public and private service providers also provide special transportation services to the general public and/or clients. StarTran contracts with a local private transportation provider to afford StarTran a supplement to the Handi-Van Program to accommodate service requests from eligible clients.

StarTran continues to support the efforts for a coordinated special transportation system. Past efforts include support for transportation services provided by the League of Human Dignity and support for medical transportation services. A coordinated system will improve the efficiency and allow the community to better meet the transportation needs of persons with disabilities

In order to increase efficiency and effectiveness of public transportation services, StarTran has implemented the recommendations resultant from the approved Transit Development Plan. The purpose of this study effort was to identify near- and long-term policies and action items for enhancing transit service in Lincoln. An integral part of this completed study included public

involvement and the development of near- and long-term transit service alternatives, updated service standards and policies, management options, and funding options. StarTran implemented the revised route structure in June 2008.

The StarTran portion of the draft *FY 2010-2015 Transportation Improvement Program* (TIP) was forwarded to local and national private-for-profit operators to provide notice of proposed transportation plans and programs and to provide an opportunity for private operators to review and comment on the proposals and propose privately operated services for Lincoln's transit program. Documentation on the results of the review process is in the current TIP. The City of Lincoln encourages participation of the private sector, including minority business enterprise, in the planning process, the provision of services, and the promotion of more economical service alternatives.

Coordinated Transit-Human Services Transportation Plan. As a result of new provisions in SAFETEA-LU, the Federal Transit Administration (FTA) has implemented three programs that eligible recipients may apply for supporting funding. These initiative programs include the Elderly Persons and Persons with Disabilities Program (Section 5310), Job Access and Reverse Commute Program (Section 5316) and New Freedom Program (Section 5317). As a condition for receiving funding under these programs, proposed projects must be derived from a locally developed public transit human services transportation plan.

The Lincoln MPO Technical Advisory Committee developed this plan with the assistance of the Community Services Initiatives: Basic and Emergency Needs Coalition, held a public hearing on the draft plan and recommended the *Coordinated Transit-Human Services Transportation Plan* to the MPO on September 27, 2007. The Officials Committee adopted this plan on October 30, 2007. A competitive selection program was developed by the Technical Committee *Project Selection Task Force* for these FTA programs. The initial “call for projects” was issued on February 1, 2008 and proposals were scored against evaluation criteria assessing their ability to achieve the strategies or activities set forth in the *Coordinated Plan*. Project data are collected and evaluations are ongoing.

The second “call for projects” for these FTA programs was issued on February 1, 2009 and proposals were reviewed and ranked by the *Project Selection Task Force* according to the evaluation criteria set forth in the *Coordinated Plan*. The *Task Force* program funding recommendations will be reviewed by the MPO Technical Advisory Committee at their next scheduled meeting. Recommendations to the Officials Committee for project funding will follow. Approved the recommendations and proposed awards will be forwarded to FTA for execution. Projects are to be included in the TIP are available for public review and comment at the Lincoln-Lancaster Planning Commission of May 13, 2009. The FTA will have final review and approval of the grant awards.

(2) Sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 USC 7504, 7506(c) and (d)) and 40 CFR part 93, which requires the joint preparation of an implementation plan to address attainment of air quality standards determined to have not been met.

Since February of 1989, Lincoln has been designated by U.S. EPA as being in attainment for all the National Ambient Air Quality Standards (NAAQS). An ambient air quality monitoring program, operated by the LLCHD, monitoring for Carbon Monoxide (CO), particulate matter less than 2.5 microns in diameter (PM2.5), and ozone has been in place for many years. In addition to monitoring activities, the Lincoln-Lancaster County Health Department (LLCHD) also conducts periodic computer modeling exercises to quantify transportation related air emissions.

LLCHD continues to monitor ambient air for CO, PM2.5, and Ozone. Data is recorded and reviewed to assess the impact of emissions from mobile sources. A comprehensive emission inventory is conducted on a regular basis using standard EPA-approved models and emission calculation methods. The LLCHD works with the Lincoln-Lancaster County Planning Department, the Public Works and Utilities Department and the Nebraska Department of Roads to understand and quantify emissions related to the local transportation system.

(3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1), 49 CFR part 21; and
(4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity; and (6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts; and (8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance; and (9) the Title VI assurance executed by each State under Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and (10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

The *Public Participation Plan* together with the MPO Prospectus, *Unified Planning Work Program* and *Environmental Justice Action Strategy* ensures that no person will be excluded from participation in the planning process and in the development of plans and programs. The MPO Prospectus states that "particular attention will be given to impacts upon specific identifiable minority groups in relationship to Title VI of the Civil Rights Act 1964, as executed by the State of Nebraska in 1965, and Title VIII of the Civil Rights Act of 1968, as executed by the State of Nebraska in 1969."

The selection of private consultants for transportation planning related contractual projects utilizing FHWA/State PL funds is coordinated by the City Purchasing Department; reviews of all proposals are conducted by the City EEO Officer to assure compliance with applicable Title VI regulations.

Long Range Transportation Plan. The development of the current *2030 Lincoln-Lancaster County Comprehensive Plan* and *Transportation Plan* included a series of Public Open House activities held throughout Lincoln and within the rural community to initiate input. Comments and survey data were solicited to obtain community thoughts on transportation issues. The transportation planning process included identification of the social, economic, and environmental impacts for alternative sketch transportation plans. This information was reviewed by the Planning Commission to provide direction within the planning process and to ensure broad community involvement. Newsletters were distributed and planning materials were posted on the City-County InterLinc Web site. Additional Open Houses on alternative transportation networks were held to gain input and provide information on the plan options for public input and a Public Hearing on draft plans was held by the Lincoln-Lancaster Planning Commission. The *Lincoln-Lancaster County Comprehensive Plan* and *Transportation Plan* was approved by the City of Lincoln and Lancaster County, November 16, 2006, and endorsed by the Lincoln MPO, January 4, 2007.

(5) Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects.

An updated "Disadvantaged Business Enterprise Program" was submitted to FTA by the City of Lincoln-StarTran in February, 2000. The City of Lincoln-StarTran DBE program meets the requirements of the Department of transportation regulations and the annual update requirements.

The selection of private consultants for transportation planning related contractual projects utilizing FHWA/State PL funds is coordinated by the City Purchasing Department; reviews are conducted by the City's EEO Officer to assure compliance with applicable MBE requirements.

(7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and U.S. DOT regulations "Transportation for Individuals with Disabilities" (49 CFR parts 27, 37, and 38), which call for special efforts to plan public mass transportation facilities and services that can effectively be utilized by elderly and handicapped persons.

In response to the August 22, 1991 DOT regulations to implement the transportation portions of the Americans with Disabilities Act (ADA), the *1996 Complementary Paratransit Plan Update - Lincoln, Nebraska* was developed. This plan updated the Lincoln special transportation program for persons with disability and compared the current paratransit program with the ADA regulations. StarTran has revised the Handi-Van eligibility guidelines/procedures to better comply with federal ADA transportation requirements. The eligibility process is based upon one's functional physical and/or mental ability to utilize accessible regular transit services, based upon a review of a revised application which emphasizes function ability - not disability. Application reviews, routine eligibility determination, and travel training is conducted by League of Human Dignity staff. The eligibility process was implemented in November 1999. To date, the City of Lincoln / StarTran meets all requirements of the ADA and is in full compliance.

Public Participation Process - The city, since 1978, has had an established citizen review and participation program. Since September, 1991, special transportation program contracts have been executed between the City of Lincoln and the League of Human Dignity, Inc. "for the provision of an appeals mechanism and mechanism for continuing public participation in relation to the special transportation programs for the handicapped of StarTran."

Pedestrian Facilities Plan for ADA Compliance. The City of Lincoln underwent an investigation for compliance with the *American with Disabilities Act* in meeting the requirement for installation of curb ramps at existing pedestrian walkways. The City of Lincoln hosted Civil Rights Training for staff to assure sensitivity and knowledge of laws governing the stewardship of the *American with Disabilities Act*, established quality assurance training and developed a Pedestrian Master Planning document that is under review.

Appropriate requirements of the February 14, 2007 Federal Register (Vol. 72, No. 30), Final Rules and Regulations (23 CFR Part 450 and 49 CFR Part 613) of SAFETEA-LU (Pub. L. 109-59):

- Designation of a Metropolitan Planning Organization (MPO) with representation by principal elected officials

On March 22, 1974, the State of Nebraska designated the City of Lincoln as the Metropolitan Planning Organization (MPO). A Memorandum of Understanding was executed between the city, county, state, and Planning Commission, in cooperation with the FHWA and FTA, concerning transportation planning in the Lincoln Metropolitan Area. In the Memorandum of Understanding, the cooperating agencies agreed to proceed in accordance with provisions for the transportation planning process as identified in appropriate federal laws and regulations and as documented in the Lincoln MPO Prospectus. The MPO Prospectus documents the responsibilities and functions of the cooperating agencies in the transportation planning

process which was adopted in May, 1979 and amended January 19, 1989 to reflect changes in this process. The updating of the MPO Prospectus is under consideration to reflect changes resulting from the designation of the MPO as a Transportation Management Area (TMA) and to reflect recent staffing changes within the Lincoln MPO organization.

Transportation Management Area Status. Based on the results of Census 2000 published on May 1, 2002, the Lincoln Urbanized Area obtained a population of over 200,000 and according to Federal regulations (23 USC 134), on July 8, 2002 the Lincoln MPO was designated by the FHWA and FTA as a TMA.

- Description and documentation of anticipated expenditure of urban transportation planning funds, with MPO endorsement

The *FY 2008-2009 Lincoln-Lancaster County Unified Planning Work Program (UPWP)* includes descriptions of anticipated expenditures of urban transportation planning funds including FTA Sections 5303 and 5307 funds and FHWA/State PL Funds. The FY 2007-2008 UPWP was reviewed and approved by the Technical Committee on April 10, 2008 and the Officials Committee on April 24, 2008 and endorsed by the MPO on April 25, 2008.

The FY 2009-2010 UPWP will be under review by the Technical Committee, April 30, 2009 and Officials Committee, June 18, 2009 and endorsed by the MPO in June, 2009.

- Transportation plan describing policies, strategies and facilities or changes in facilities proposed, with analysis of transportation system management strategies to make more efficient use of existing transportation systems; endorsement of the transportation plan by the MPO

The *Long Range Transportation Plan* for the Lincoln MPO is contained in the *2030 Lincoln-Lancaster County Comprehensive Plan*. The *Transportation Plan* has a planning horizon to the year 2030 and is coordinated with the Lincoln City and Lancaster County Land Use Plan and future urban area growth plans. All appropriate transportation modes are considered in the *Long Range Transportation Plan* with specific long-range plans for the Lincoln Area Pedestrian, Bicycle and Trails facilities; Future Urban Street and Road Network Plans which include the Functional Street and Road Classifications, Urban Area Street Improvements, and County Road Improvements; a Goods and Freight Movement Plan; and generalized plans for Public Transportation, Railroads, and Airports and Airfields. The future road plan reflects the improvement types according to specific street design standards, identifying the number of lanes and the right-of-way required for a proposed improvement.

The *Lincoln-Lancaster County Comprehensive Plan* including the *Transportation Plan* was developed during 2005 and 2006 with reviews and a public hearing by the Lincoln-Lancaster Planning Commission. The Lincoln City Council and Lancaster County Board held a joint public hearing and adopted the Plan on November 16, 2006 and the Lincoln MPO endorsed the plan on January 4, 2007.

Intelligent Transportation Systems Regional Architecture. The Lincoln MPO advanced the development and application of ITS across the region to increase highway safety, mobility, security, economic health and community development and preserve the environment. The

ITS Regional Architecture Plan outlines the Stakeholder Involvement and an Outreach Plan. The final report was submitted to the FHWA for concurrence and accepted in August of 2005. The ITS Regional Architecture Plan is a key element of the MPO Transportation Planning process and implements the ITS strategies of the long range Transportation Plan.

- Transportation Improvement Program with MPO endorsement

The *FY 2009-2014 Lincoln-Lancaster County Transportation Improvement Program (TIP)* was approved by the Technical Committee on May 8, 2008 and a Public Hearing was held at the Planning Commission on May 14, 2008. The MPO Officials Committee approval was June 12, 2008 and the MPO endorsement was June 13, 2008.

The draft *FY 2010-2015 TIP* is in the process of being reviewed and acted upon in conjunction with this MPO self-certification process. The MPO Technical Committee and Officials committee reviews are expected to be completed by July, 2009.

- Certification by the MPO and the State that the planning process is being carried on in conformance to appropriate Federal laws and regulations

A self-review process was conducted in 2008 and a report was reviewed by the Technical and Officials Committees regarding *Certification that the Transportation Planning Process Complies with Applicable Federal Laws and Regulations*. The MPO endorsed the compliance evaluation report and certified that the Planning Process for the Lincoln, Nebraska planning area met the requirements of 23 CFR 450.334(a), as published in Federal Register, February 14, 2007, Final Rule on *Self-Certifications and Federal Certifications*.

MPO Certification Review. The Lincoln Metropolitan Planning Organization (MPO) was designated by the FHWA and FTA as a Transportation Management Area (TMA) July 8, 2002 which requires a detailed review of the transportation planning process for the MPO planning area (Lancaster County) and all participating agencies are to be involved on a four-year cycle. This last major certification review took place over a two day period on May 4th and 5th, 2005. Federal representatives interviewed staff associated with the transportation planning process and held a public hearing to solicit feedback from the public. The focus was to determine if the planning process met the federal regulations governing the development of transportation plans and programs for metropolitan areas as identified in federal regulations, 23 CFR, Section 450.334(b) Metropolitan Planning Process.

MPO Certification Review Findings. The FHWA/FTA "Certification Review Report For the Lincoln Metropolitan Area" found that "the Lincoln area transportation process substantially meets the requirements of 23 CFR, Part 450 and 23 CFR, Part 613 and is certified". The report includes specific recommendations for improvement along with commendations of the local planning process. There were no corrective actions.

The next FHWA/FTA Certification Review for the Lincoln Metropolitan Area on the transportation planning process is to take place in May of 2009.

RECOMMENDATION:

The Technical Committee recommendation, as a result of the above compliance evaluation and subject to the Officials Committee review, is the Lincoln Metropolitan Planning Organization endorse the compliance evaluation report and certify the Planning Process for the Lincoln, Nebraska Planning Area has met the requirements of 23 CFR 450.334(a), *Self-Certifications and Federal Certifications*, as published in Federal Register / Volume 72, No.30 / February 14, 2007 / Final Rule. This report identifies that there are no major deficiencies in the planning process and certifies that the planning process is addressing the major issues facing the Lincoln MPO Planning area. No corrective action is identified.